

REMARKS

In the action of January 8, 2010, the examiner rejected claims 3, 6, 9 and 11 under 35 U.S.C. §103 as unpatentable over Nakamura et al. in view of Bosch.

Applicant has further amended claim 6 to clarify the invention. In particular, note that the "open sections" of the flexible bag in communication with the interior volume of the container extend above the gusset 40, as previously claimed, but also have a width which is approximately equal to the width of the sealed remainder portion of the wing portions. This configuration is different than the wing portions of Bosch. The open sections of the Bosch wing portions extend all the way from the sealed edges 5A and 6A to the inside edges of the wing portions. Further, while Nakamura teaches a gusseted bag and Bosch teaches a bag with wing portions, there is no teaching which indicates that the open sections of the wing portions should extend above the gusset portion of Nakamura. That particular arrangement is the contribution of the applicant. The above described arrangement of the open sections is more significant than a mere change in shape. The particular structure is important because, as set forth in the description, it allows each gusset to open to its full extent over the entire length of the pouch, while maintaining the structural integrity of the wing portions. Accordingly, amended claim 1 is patentable over the combination of Nakamura and Bosch. Since claims 9 and 11 are dependent upon claim 6, those claims are also allowable.

Also note new claims 12 and 13. Claim 12 sets forth the combination of a personal hygiene device which includes a pump and a flexible bag which has the configuration previously claimed. The personal hygiene device is now positively claimed. Neither Nakamura nor Bosch teach the specific combination of a personal hygiene device, such as a power toothbrush, and a flexible bag having a particular configuration. The combination, including the detailed configuration of the bag, is important since space is at premium for a fluid container within a personal care appliance such as a power toothbrush, yet it must provide reliable operation. None of the references teach the specific claimed combination. Hence, claim 12 is allowable over the cited references.

In view of the above, allowance of the application is respectfully requested.

The Commissioner is authorized to charge any deficiency or credit any over payment to Deposit Account 14-1270.

Respectfully submitted,

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